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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,559	01/05/2002	Kwok-Yan Leung	02102-URSX	2466
33804	7590	03/01/2005	EXAMINER	
SUPREME PATENT SERVICES POST OFFICE BOX 2339 SARATOGA, CA 95070			NGUYEN BA, HOANG VU A	
			ART UNIT	PAPER NUMBER

2122

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/040,559

Applicant(s)

LEUNG, KWOK-YAN

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the application filed January 5, 2002.
2. Claims 1-5 have been examined.

#### *Priority*

3. The priority date considered for this application is January 5, 2002.

#### *Oath/Declaration*

4. The Office acknowledges receipt of a properly signed oath/declaration filed January 5, 2002.

#### *Drawings*

5. The drawings are objected to because of the following minor informalities:  
Figures 5, 6, 7A, 7B, 9A and 9B: are not legible because they too dark.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement

Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

6. The specification is objected to because of the following minor informalities:

a. The use of trademarks, such as WINDOWS O/S, WINDOWS NT, WINDOWS 2000 has been noted in this application. Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

To expedite correction on this matter, the examiner suggests the following guidelines for Applicant to follow in amending the specification:

i. Capitalize each letter of a trademark or accompany the trademark with an appropriate designation symbol, e.g., <sup>TM</sup> or ®, as appropriate.

ii. Use each trademark as an adjective modifying a descriptive noun. For example, it would be appropriate to recite “the JAVA platform” or “the JAVA programming language.” Note that in these examples, “platform” and “programming language” provide accompanying generic terminology, describing the context in which the trademark is used. By itself, the trademark JAVA specifies only the source of the so-labeled products, namely SUN Microsystems, Inc.

b. The term “numerosity” in line 2 of paragraph [0002] is suggested be changed to – number –.

c. The sentence “it can process the SQL instruction 40 of four client computers 20 the maximum – is suggested be changed to – it can process the SQL instruction 40 of four client computers 20 at maximum –.

### *Claim Objection*

7. Claims 1 and 2 are objected to because of the following informalities:

The limitation “SQL engine available for limited persons only for access to the SQL database” in line 3 of claim 1 and the limitation “SQL engine for limited persons only” in lines 1-2 of claim 2 are suggested be changed to – SQL engine available for limited number of users access to the SQL database –.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

8. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation “a SQL server software of Microsoft Corporation” in line 2. It is unclear as to which software product of Microsoft Corporation the limitation is being referred to. For art rejection purposes, the claimed SQL server software is interpreted to be the – Microsoft SQL Server™ –.

Applicant is further advised that the use of trademark or trade name, e.g., SQL Server™ in a claim is not per se improper under 35 U.S.C. § 112, second paragraph. However, it is important to recognize that a trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

If the trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 112/2d. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982).

The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name.

Appropriate correction is required.

### *Claim Rejections – 35 U.S.C. § 102*

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

11. Claims 1-5 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,484,149 to Jammes et al. ("Jammes").

### Claim 1

Jammes discloses at least:

*an access module for building a plurality of SQL instruction accesses on a net between the server and a plurality of client computers, in which the built SQL instruction accesses are usable for transmitting/receiving a SQL instruction and the processed result thereof (see at least Figures 1-2, items 102 and 112; and related discussion in the specification: the access module is interpreted to mean Jammes's Web Browser 102 and Enhanced Web Browser 112 respectively); and*

*a SQL instruction dispatching/receiving module for dispatching the SQL instructions in the SQL instruction accesses to the SQL engine for processing and receiving the processed result and transmitting the same to the access module (see at least Figures 1, 2 and related discussion in the specification; the SQL instruction dispatching/receiving module is interpreted to mean Jammes's Web server 106 and the SQL engine Jammes's ODBC 114).*

### Claim 2

Jammes further discloses *in which the SQL engine for limited persons only is a SQL server software of Microsoft Corporation (see at least 9:65 to 10:2).*

**Claim 3**

Jammes further discloses *in which the net is the Internet* (see at least Figure 2, item 104 and related discussion in the specification).

**Claim 4**

Jammes further discloses *in which the net is an Intranet* (see at least 8:35-45).

**Claim 5**

Jammes further discloses *which further comprises a file transmission instruction module for transmitting files in the client computers and storing the same in the server* (see at least Figure 5, step 508 and related discussion in the specification).

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 to 17:15.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.



Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Hoang Anthony Nguyen Ba". The signature is fluid and cursive, with a long horizontal stroke at the end.

**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

Art Unit 2122

February 22, 2005